

The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) entered into an agreement (on “May 30, 2013” insert date here) to resolve concerns alleged by an EPA National Enforcement Investigations Center (NEIC) team resulting from an inspection conducted in March 2011. The team questioned whether several storage areas within operating units were properly incorporated into the permit.

Storage areas at Hanford are used to store waste so it can be treated and/or processed for shipping.

Observations by the NEIC team were based on an EPA interpretation of how Resource Conservation and Recovery Act (RCRA) permitting rules have been applied nationally. The conclusions they made were different than what was understood and envisioned by the Tri-Parties at the beginning of cleanup.

While the DOE believes it acted in accordance with the permit and the law, the EPA believes that past practices were not consistent with how RCRA permitting is approached nationally. The Parties agreed human health was never threatened due to these procedural differences and that there was no environmental issue or harm. These units were managed identically to other permitted units at Hanford and all units have undergone continual inspections by regulators.

Consequently, rather than entering into an expensive and protracted legal battle regarding the permitting processes used in the past, the agencies worked together on a Consent Agreement and Final Order (List Docket No. RCRA-#####). The agreement will more closely align the Hanford permitting process to national practices.

The corrective actions include:

- DOE will immediately stop utilizing five different T-Plant storage areas for the storage of waste; will stop using the Central Waste Complex outside storage area A and storage area B; and will stop using a small storage area south of the Lower Level Burial Grounds Trench 34.
- Within 120 days of the effective date of the order, DOE shall submit a permit modification request to add closure plans for the units listed above
- Within 120 days, DOE shall either close or request an extension to utilize the 221T Railroad Tunnel at T-Plant and Building 2401 W unit at the Central Waste Complex
- DOE will ensure that waste disposed at Trenches 31 and 34 meet requirements
- A payment will be made to the Treasury by DOE in the amount of \$136,000 as part of the resolution of this issue.

“We have worked closely with the EPA to address the administrative issues identified by the inspection team. We are pleased to be moving forward with cleanup rather than adding to the expense of cleanup through a protracted legal battle.”